

Application No.: 09/943,661
Art Unit: 2633

Docket No.: SYCS-009

Amendments to the Drawings.

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

REMARKS

In the foregoing claim amendments, claims 1, 13 and 21 have been amended. Pending in the application are claims 1-31, of which claims 1, 13 and 21 are independent. The following comments address all stated grounds for rejection, and the Applicants respectfully submit that the presently pending claims, as identified above, are now in a condition for allowance.

Claim Amendments

Applicants have amended independent claims 1, 13 and 21 to clarify the scope of the claimed invention. In particular, claims 1 and 21 have been amended to recite the step of providing a first optical node and a second optical node that are able to detect the failure of the established circuit between the first and second optical nodes. Claim 1, 13 and 21 have also been amended to recite that the detection of the failure between the first and second optical nodes is made by any of the first and second optical nodes. Support for the claim amendments can be found at page 7, line 23 through page 9, line 11. No new matter has been introduced.

Objections to the Drawings

The drawings are objected to because the blank boxes in Fig. 1 are not labeled. In the foregoing amendments to the drawings, Applicants have amended Fig. 1 to label blank boxes 16, 17, 18, 20, 26, 28 and 30. In light of the amendments to the drawings, Applicants request the Examiner reconsider and withdraw the objection to the drawings.

Claim Rejections - 35 U.S.C. 112

Claims 2 and 22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner notes in the Office Action that the subject matter “the step of recording a number of said failures over a period of time to determine performance metrics of said switched communication network” in claims 2 and 22 is not described in the Specification and drawings. Applicants respectfully traverse the rejection for the following reasons.

Applicants submit that the subject matter added in claims 2 and 22 is well-known to those of ordinary skill in the art although it is novel when combined with the subject matter recited in claims 1 and 21, respectively. Applicants therefore believe that those of ordinary skill in the art can practice the subject matter added in claims 2 and 22 without undue experiment although it is not described specifically in the Specification of the pending application. For example, those of ordinary skill in the art can record the number of failures over a period of time simply using a counter and a timer arranged in memory. In light of the arguments set forth above, Applicants request the Examiner reconsider and withdraw the rejection of claims 2 and 22 under 35 U.S.C. §112, first paragraph, and pass the claims to allowance.

Claim Rejections - 35 U.S.C. 102

Claims 1, 3-21 and 23-31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0191247 ("Liu"). Applicants respectfully traverse the rejection for the following reasons.

The claimed invention in independent claims 1 and 13 relates to a method for handling a failure of an established circuit. A first optical node and a second optical node are provided that are able to detect a failure between the first and second optical nodes (claim 1). The failure of the established circuit between the first and second optical nodes *is detected by any of the first and second optical nodes*. One of the first and the second optical nodes that detects the failure reports the failure to a control optical node. The control optical node initiates restoration of the established circuit between the first and second optical nodes. Independent claim 21 is a medium claim that parallels claim 1.

Applicants respectfully submit that the cited reference fails to disclose each and every element of the claimed invention. Applicants submit that Liu fails to disclose that the detection of the failure between the first and second optical nodes is made *by any of the first and second optical nodes*, as recited in claims 1, 13 and 21.

Liu discloses in Fig. 5 that the node around the fault are labeled as a Sender node (D node), which is the node downstream of the fault, and a Chooser node (C node), which is the node upstream of the fault. (See, Liu, paragraph [0080]). Liu also discloses that the Sender node

(D node) detects the fault and sends it to the Chooser node (C node). (See, Liu, paragraph [0083]). Liu further discloses that the Chooser node (C node) builds the table of possible restoration routes and optical characteristic of those routes. (See, Liu, paragraph [0084]).

In comparison, the claimed invention detects the failure of the established circuit between the first and second optical nodes *by any of the first and second optical nodes*. In an illustrative embodiment of the claimed invention, one of the first and second nodes, which has a higher router ID, is designated as a control node. In the illustrative embodiment, the control node is also able to detect the failure and notify itself of the detected failure. (See, Specification, page 9, lines 16-20). Liu discloses that the fault is detected by the Sender node and sent to the Chooser node. Liu does not disclose that the Chooser node detects the fault and send itself the detected fault. Liu does not disclose that the fault is detected by any of the Sender node and the Chooser node, as recited in the claimed invention.

In light of the foregoing claim amendments and arguments, Applicants submit that Liu fails to disclose each and every element of claims 1, 13 and 21. Applicants therefore request the Examiner reconsider and withdraw the rejection of claims 1, 3-21 and 23-31 under 35 U.S.C. §102(e), and pass the claims to allowance.

Claim Rejections - 35 U.S.C. 102

Claims 1, 3-10, 12-17 and 21-31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,763,190 ("Agrawal"). Applicants respectfully traverse the rejection for the following reasons.

Applicants respectfully submit that the cited reference fails to disclose each and every element of the claimed invention. Applicants submit that Agrawal fails to disclose that the detection of the failure between the first and second optical nodes is made *by any of the first optical node and the second optical node*, as recited in claims 1, 13 and 21.

Agrawal discloses in Fig. 1 that a message is sent from node A to node D, and there is a failure between node B and node C. Agrawal also discloses in Fig. 3 that node C detects the

failure and sends it to node D, which subsequently sends a restoration message back to node A. Agrawal further discloses that node A builds a restoration path between node A and node D.

In comparison, the claimed invention detects the failure of the established circuit between the first and second optical nodes *by any of the first and second nodes*. Agrawal discloses that the failure is detected by node C and sent to node D. Agrawal does not disclose that the fault is detected by any of node B and node C, as recited in the claimed invention.

In light of the foregoing claim amendments and arguments, Applicants submit that Agrawal fails to disclose each and every element of claims 1, 13 and 21. Applicants therefore request the Examiner reconsider and withdraw the rejection of claims 1, 3-10, 12-17 and 21-31 under 35 U.S.C. §102(e), and pass the claims to allowance.

Application No.: 09/943,661
Art Unit: 2633

Docket No.: SYCS-009

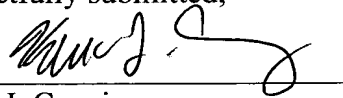
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that further obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative.

Dated: December 17, 2004

Respectfully submitted,

By



Kevin J. Canning
Registration No. 35,470
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney for Applicant